

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

METROPOLITAN OMAHA PROPERTY
OWNERS ASSOCIATION, INC., and
ROOSEVELT LEE,

Plaintiffs,

vs.

THE CITY OF OMAHA,

Defendant.

8:19CV341

**AMENDED FINAL
PROGRESSION ORDER**

THIS MATTER is before the Court on the parties Unopposed Motion to Extend Discovery Deadlines. ([Filing No. 31](#).) The Motion is granted. Accordingly,

IT IS ORDERED that the provisions of the Court's earlier final progression order remain in effect, and in addition to those provisions, the amended final progression order is as follows:

- 1) The trial and pretrial conference will not be set at this time. The status conference presently scheduled for October 2, 2020 **is canceled**. A status conference to discuss **case progression, the parties' interest in settlement, and the trial and pretrial conference settings** will be held with the undersigned magistrate judge on **December 3, 2020 at 11:00 a.m.** by telephone. Case conference instructions are found at [Filing No. 32](#).
- 2) The deadline for completing written discovery under Rules 33, 34, and 36 of the Federal Rules of Civil Procedure is **December 21, 2020**. Motions to compel discovery under Rules 33, 34, and 36 must be filed by **January 4, 2021**.

Note: A motion to compel, to quash, or for a disputed protective order shall not be filed without first contacting the chambers of the undersigned magistrate judge to set a conference for discussing the parties' dispute.

- 3) The deadlines for identifying expert witnesses expected to testify at the trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the plaintiff(s):
For the defendant(s):

September 14, 2020
September 14, 2020

- 4) The deadlines for complete expert disclosures¹ for all experts expected to testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:
- | | |
|-----------------------|-------------------------|
| For the plaintiff(s): | October 29, 2020 |
| For the defendant(s): | October 29, 2020 |
- 5) The deposition deadline is **November 30, 2020**.
- a. The maximum number of depositions that may be taken by the plaintiffs as a group and the defendants as a group is 25.
- b. Depositions will be limited by Rule 30(d)(1).
- 6) The deadline for filing motions to dismiss and motions for summary judgment is **December 29, 2020**.
- 7) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is **January 19, 2021**.
- 8) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.
- 9) All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 30th day of June, 2020.

BY THE COURT:

s/ Susan M. Bazis
United States Magistrate Judge

¹ While treating medical and mental health care providers are generally not considered “specially retained experts,” not all their opinions relate to the care and treatment of a patient. Their opinion testimony is limited to what is stated within their treatment documentation. As to each such expert, any opinions which are not stated within that expert’s treatment records and reports must be separately and timely disclosed.